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| APPLICATION NO.                 | F    | ILING DATE  | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO |
|---------------------------------|------|-------------|----------------------|---------------------|-----------------|
| 10/070,569                      |      | 07/16/2002  | Takashi Muramatsu    | SPO-116 7190        |                 |
| 23557                           | 7590 | 11/23/2004  |                      | EXAMINER            |                 |
| SALIWANCHIK LLOYD & SALIWANCHIK |      |             |                      | HARRIS, ALANA M     |                 |
| A PROFESS<br>PO BOX 142         |      | ASSOCIATION |                      | ART UNIT            | PAPER NUMBER    |
| GAINESVILLE, FL 32614-2950      |      |             |                      | 1642                |                 |

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding. 

|  | Application No.  | Applicant(s)  |  |  |  |  |
|--|--|---|--|--|--|--|
| Addition Addition  | 10/070,569   | MURAMATSU ET AL.  |  |  |  |  |
| Advisory Action  | Examiner   | Art Unit  |  |  |  |  |
|  | Alana M. Harris, Ph.D.   | 1642  |  |  |  |  |
| The MAILING DATE of this communication appe  | ears on the cover sheet with the   | correspondence address  |  |  |  |  |
| THE REPLY FILED 09 September 2004 FAILS TO PLAGE Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may only be either: (1 condition for allowance; (2) a timely filed Notice of Appea Examination (RCE) in compliance with 37 CFR 1.114.  | void abandonment of this applice ) a timely filed amendment which  | cation. A proper reply to a<br>ch places the application in   |  |  |  |  |
| PERIOD FOR RE  | EPLY [check either a) or b)]   |   |  |  |  |  |
| a) The period for reply expiresmonths from the mailin  | ng date of the final rejection.  | h in the final rejection, whichever is later. In  |  |  |  |  |
| b) The period for reply expires on: (1) the mailing date of this no event, however, will the statutory period for reply expire ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The fee have been filed is the date for purposes of determining the period fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of (2) as set forth in (b) above, if checked. Any reply received by the Offit timely filed, may reduce any earned patent term adjustment. See 37 (c) | later than SIX MONTHS from the mails<br>S FILED WITHIN TWO MONTHS OF T<br>e date on which the petition under 37 C<br>of extension and the corresponding am<br>the shortened statutory period for reply<br>ice later than three months after the ma | ing date of the final rejection.  FHE FINAL REJECTION. See MPEP  FR 1.136(a) and the appropriate extension from the fee. The appropriate extension by originally set in the final Office action; or |  |  |  |  |
| 1. A Notice of Appeal was filed on <u>09 September 2004</u> 37 CFR 1.192(a), or any extension thereof (37 CF   | . Appellant's Brief must be filed R 1.191(d)), to avoid dismissal  | d within the period set forth in of the appeal.   |  |  |  |  |
| 2. The proposed amendment(s) will not be entered b   | ecause:  |   |  |  |  |  |
| (a) X they raise new issues that would require furth   | er consideration and/or search   | (see NOTE below);   |  |  |  |  |
| (b) ☐ they raise the issue of new matter (see Note by  |  |   |  |  |  |  |
| <ul><li>(c) they are not deemed to place the application i<br/>issues for appeal; and/or</li></ul>   | n better form for appeal by mat  | terially reducing or simplifying the  |  |  |  |  |
| (d) they present additional claims without cancel  | ing a corresponding number of  | finally rejected claims.  |  |  |  |  |
| NOTE: See Continuation Sheet.  |  |   |  |  |  |  |
| 3. Applicant's reply has overcome the following reject   |  |   |  |  |  |  |
| <ol> <li>Newly proposed or amended claim(s) would<br/>canceling the non-allowable claim(s).</li> </ol>   | be allowable if submitted in a s   | separate, timely filed amendment  |  |  |  |  |
| 5.☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for application in condition for allowance because:   | r reconsideration has been cons  | sidered but does NOT place the  |  |  |  |  |
| 6. The affidavit or exhibit will NOT be considered bed raised by the Examiner in the final rejection.  | cause it is not directed SOLELY  | to issues which were newly  |  |  |  |  |
| 7. ☐ For purposes of Appeal, the proposed amendmen explanation of how the new or amended claims w  | t(s) a)⊠ will not be entered or loould be rejected is provided be  | b)⊡ will be entered and an<br>low or appended.  |  |  |  |  |
| The status of the claim(s) is (or will be) as follows:   |  |   |  |  |  |  |
| Claim(s) allowed:  |  |   |  |  |  |  |
| Claim(s) objected to:  |  |   |  |  |  |  |
| Claim(s) rejected: <u>1-9 and 13-16</u> .  |  |   |  |  |  |  |
| Claim(s) withdrawn from consideration: <u>10-12</u> .  |  |   |  |  |  |  |
| 8. The drawing correction filed on is a) app   | proved or b) disapproved by  | the Examiner.   |  |  |  |  |
| 9. Note the attached Information Disclosure Stateme  | :nt(s)( PTO-1449) Paper No(s).   | ALANA M. HARRIS, PH.D. PRIMARY EXAMINER   |  |  |  |  |
|  |  | 11/19/2004  |  |  |  |  |

Continuation of 2. NOTE: The proposed amendments presented by Applicants raise new issues of 112, 1st paragraph, written description; 112, 2nd paragraph and do not obviate the pending rejections. Moreover, while Applicants assert that support for the recitation "secreted into a body fluid" is listed in the specification at page 4, line 34 to page 5, line 8 the Examiner does not concur. Likewise, the recitation is not commensurate with the text found in the specification and lacks clarity.